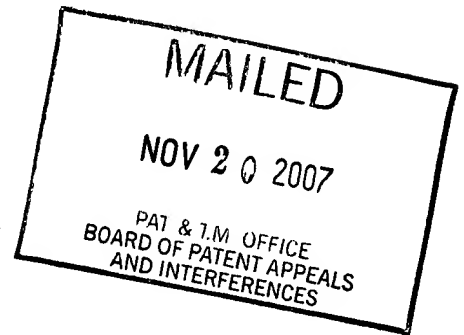


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ABRAHAM I. ZEIGLER
RICHARD G. KETCHUM
AND ALFRED R. BERKELEY III

Application No. 09/401,875



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on November 19, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below:

On March 21, 2007, an Examiner's Answer was mailed. A review of the file reveals that the required heading "Real Party Interest" is missing from the Examiner's Answer. Appropriate correction is required.


In addition, on page 3, under the heading "Evidence Relied Upon" the examiner stated that "No evidence is relied upon by the examiner in the rejection of the claims under appeal." However, the examiner lists Gutternam et al (WO 91/14231) as prior art. Appropriate correction required.

Accordingly, it is

ORDERED that this application be returned to the examiner:

- 1) to mail a PTOL-90 clarifying the evidence relied upon section in the Examiner's Answer, and adding the Real Party of Interest section; and,
- 2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 
PATRICK J. NOLAN
Deputy Chief Appeals Administrator
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